

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Estt. – A.P. Medical Education Service Rules – Dr. M.Tripura Sundari, Associate Professor of Obst & Gynec, Siddardha Medical College, Vijayawada – Proposal for relaxation to Service Rules for short fall of teaching experience by 35 days for Panel Year 2012 – 13 – Accorded - Orders – Issued.

HEALTH MEDICAL AND FAMILAY WELFARE (A1) DEPARTMENT

G.O.Ms.No. 130

Dated: 08.08.2013

Read the following:-

1. G.O.Ms.No.154, H.M. & F.W. (A2) Department, dt.04.05.2002.
2. G.O.Ms.No.748, H.M. & F.W. (A2) Department, dt.30.08.2006.
3. G.O.Ms.No.32, H.M. & F.W. (A2) Department, dt.02.02.2010.
4. G.O.Ms.No.303, H.M. & F.W. (A2) Department, dt.24.02.2012.
5. Orders dt.23.08.2012 in O.A.No.1570/2010 with MA No.1523/2012 & MA No.1171/2012 in C.A.No.1586/2010 filed by Dr. M.Tripura Sundari, Associate Professor of Obst & Gynec, Siddardha Medical College, Vijayawada

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ORDER:

The Medical Council of India has issued amendment Notification dt.21.7.2009 to the "Minimum Qualifications for Teachers in Medical Institutions Regulations, 1998". Accordingly, Government have issued amendment to the A.P. Medical Education Service Rules, 2002 for the post of Professor (Clinical) among others vide G.O.Ms.No.32, H.M. & F.W. (A2) Department, dt.2.2.2010 "by promotion of Category 7 (a) Associate Professor (Clinical) (i) who have put in a minimum 3 years of teaching experience in the concerned specialty, based on their seniority in the category of Associate Professor in the concerned specialty (ii) minimum of four research publications in indexed / national journals." can be considered for promotion to the post of Professor in the concerned specialty.

2. Further, Government in G.O.Rt.No.303 HM & FW Department dt.24.02.2012 have issued orders relaxing the method of appointment prescribed in G.O.Ms.No.32 HM&FW (A2) Department, 2.2.2012 that the individuals who have completed four (4) years of teaching experience as Associate Professor in the respective specialty and not fulfilled the mandatory prerequisite qualification of 4 research publications in indexed / national journals, can be considered for promotion to the post of Professors(Clinical, Non-Clinical & Super Speciality) upto the panel year 2012-2013.

3. Dr. M.Tripura Sundari was promoted as Associate Professor of Obst & Gynec in the panel year 2003 -04 as per the vertical seniority and reported for duty on 18.09.2003. Later, she was reverted to Asst. Professor among others since the G.O.Ms.No.502, HM&FW(A1) Department, dt.13.09.2003 was quashed by the Hon'ble A.P.A.T. in its orders dt.17.11.2004 in O.A.No.6322/2003 and 6309/2003. Again, she was promoted as Associate Professor of Obst & Gynec for the panel year 2008-09 as per her turn of seniority prepared in terms of A.P.M.E.S., Rues issued in G.O.Ms.No.154, HM&FW(A2) Deptt., dt.4.5.2002 and she reported for duty on 6.10.2008.

4. Dr.M.Tripura Sundari Associate Professor of Obst & Gynec. Siddhartha Medical College, Vijayawada has filed a O.A. No.1570/2010 praying the Hon'ble Tribunal to direct the respondents to promote her as Professor basing on her seniority by treating her as eligible candidate. The Hon'ble A.P.A.T. in its interim orders dt.15.3.2010 directed the respondents to pass orders on the representation dt.2.3.2010 of the applicant. The Director of Medical Education has rejected her representation as she is not eligible for promotion to the post of Professor of Obst & Gynec as per her seniority vide Speaking order Rc.No.12555/E1A/2010, dt.14.4.2010.

P.T.O.

5. The Hon'ble Tribunal in its order dated 23.8.2012 in O.A.No.1570/2010 with MA No.1523/2012 & MA No.1171/2012 in C.A.No.1586/2010 filed by Dr. M.Tripura Sundari, Associate Professor of Obst & Gynec, Siddhartha Medical College, Vijayawada have observed/directed that –

“the applicant is entitled to be promoted to the post of Professor keeping in view the fact that she has got more than prescribed experience for the post of Professor, as she is working as Incharge Professor from 13.10.2008 onwards and her experience for the post of Associate Professor between 18.9.2003 to 9.6.2005 cannot be taken away more so, keeping in view the fact that the litigation which resulted in the reversion does not adversely effect the applicant, as she is not a party to the same.

In view of the above, the impugned orders are liable to be set aside. Accordingly, the impugned proceedings in Rc.No.12555/E1A/2010, dated 14.4.2010 are set aside. The OA is allowed with a direction to the respondents to consider the case of the applicant for promotion to the post of Professor (Clinical) O&G department with all consequential benefits and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. MAs/Ca stand closed.

6. Government have carefully examined the matter and observed that Dr. M.Tripura Sundari has completed 4 years of teaching experience as Associate Professor on 05-10-2012, therefore there is a short fall of 35 days on 01.09.2012 for preparation of panel for the year 2012-13 and hence not eligible for inclusion of her name in the said panel year. Government, however, have decided to implement the order dt.23.08.2012 of the Hon'ble A.P.A.T. in O.A. No. 1570/2010 as committed by the Government before the Hon'ble Tribunal. Therefore, to implement the orders of Hon'ble Tribunal, the rule 6(b) of A.P.State and Subordinate Service Rules, 1996 have to be relaxed in her favour.

7. Accordingly, Government hereby relax the Rule 6(b) of A.P. State and Subordinate Service Rules, 1996 and also minimum teaching experience for the post of Professor (Clinical) issued vide G.O.Rt.No.303 HM & FW Department dt.24.02.2012 in favour of Dr. M.Tripura sundari, Associate Professor of Obst & Gynec, Siddhartha Medical College, Vijayawada for promoting her albeit in an adhoc manner by invoking Rule 10 of A.P. State and Subordinate service Rules, 1996 to the post of Professor of OBG & Gynec as a Special Case.

8. The Director of Medical Education, Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**L.V.SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director of Medical Education, Hyderabad

Copy to:

The General Administration (DPC) Department

// FORWARDED :: BY :: ORDER //

SECTION OFFICER